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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-876

13 **MARGARITA MARIA RODRIGUEZ**
14 **aka MARGARITA MARIA MCMANAMY**
15 **3405 Mountain Top View**
16 **Young Harris, GA 30582**

A C C U S A T I O N

17 **Registered Nurse License No. 708546**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing (Board),
23 Department of Consumer Affairs.

24 2. On or about July 25, 2007, the Board issued Registered Nurse License Number
25 708546 to Margarita Maria Rodriguez, aka Margarita Maria McManamy (Respondent). The
26 Registered Nurse License expired on January 31, 2009, and has not been renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board under the authority of the following
laws. All section references are to the Business and Professions Code (Code) unless otherwise
indicated.

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Code section 2811, subdivision (b), allows the Board to renew an expired license within eight years of expiration.

STATUTORY PROVISIONS

6. Code section 2761 states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

..

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

“ ”

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

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1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct-Out of State Discipline)

3 8. Respondent is subject to disciplinary action under Code section 2761, subdivision
4 (a)(4), in that on or about May 13, 2010, in a disciplinary action before the Georgia Board of
5 Nursing, in the matter of Registered Nurse License No. RN161096, Respondent's license was
6 placed on probation. The disciplinary action was based on Respondent's guilty plea to theft by
7 taking, a felony, on or about December 2, 2009 in the Superior Court of Union County, Georgia.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number 708546, issued to
12 Margarita Maria Rodriguez, aka Margarita Maria McManamy;

13 2. Ordering Margarita Maria Rodriguez, aka Margarita Maria McManamy, to pay the
14 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
15 case, pursuant to Business and Professions Code section 125.3;

16 3. Taking such other and further action as deemed necessary and proper.
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18

19 DATED: APRIL 8, 2013

20 *Louise R. Bailey*
21 LOUISE R. BAILEY, M.ED., RN
22 Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California
26 Complainant
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